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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.) 2:13-CV-1329-JAD-(VCF)
15 \$32,750.00 IN UNITED STATES CURRENCY,)
16 Defendant.)

17 **UNITED STATES OF AMERICA’S UNOPPOSED MOTION TO STRIKE THE COMPUTER**
18 **GENERATED DISCOVERY PLAN/SCHEDULING ORDER DUE BY MARCH 13, 2014, FROM**
19 **THE NOTICE OF ELECTRONIC FILING IN ECF NO. 10**

20 The United States of America (“United States”), by and through Daniel G. Bogden, United States
21 Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United States Attorney,
22 respectfully moves this Honorable Court for an Order striking the Computer Generated Discovery
23 Plan/Scheduling Order due by March 13, 2014, from the Notice Of Electronic Filing in ECF No. 10.
Answer to Complaint (ECF No. 10) in Forfeiture.

24 The basis is as follows. Fed. R. Civ. P. 16(b) authorizes exemption of Discovery Plan/Scheduling
25 Order under local rules. A civil forfeiture in rem action is exempt from a Discovery Plan/Scheduling
26 Order under LR 16-1. “[I]n forfeiture...actions, no discovery plan is required.” LR 16-1.

1 On February 5, 2014, the United States contacted John J. Leunig, attorney for FABIAN GARCIA,
2 SR., and FABIAN GARCIA, JR., agrees with and joins in this Motion. This Motion is not submitted
3 solely for the purpose of delay or for any other improper purpose.

4 DATED this 6th day of February, 2014.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/Michael. A. Humphreys
8 MICHAEL A. HUMPHREYS
9 Assistant United States Attorney

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11 IT IS SO ORDERED:

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14 UNITED STATES ~~DISTRICT~~ JUDGE

15 DATED: 2-14-2014
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PROOF OF SERVICE

I, Ray Southwick, Forfeiture Support Associate Paralegal, certify that the following individual was served with a copy of the foregoing Motion on February 6, 2014, by the below identified method of service:

Regular Mail:

John J. Leunig
The Wells Fargo Plaza, Ste. 815
7900 Xerxes Ave. S.
Bloomington, MN 55431
Attorney for Fabian Garcia Sr. and
Fabian Garcia Jr.

/s/ Ray Southwick
RAY SOUTHWICK
Forfeiture Support Associates Paralegal